

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

WALTER O. RHEIN, *et al.*

PLAINTIFFS

v.

Case No. 6:16-cv-6059

BENJAMIN W. LEDWELL and
LEDWELL & SON ENTERPRISES, INC.

DEFENDANTS

ORDER

On January 27, 2017, the Court entered an order staying discovery in this matter pending the resolution of a parallel criminal case, *State v. Ledwell*, Hot Spring County Circuit Court No. 30CR-16-124. (ECF No. 35). On March 15, 2017, the Court entered an order continuing the trial date of this matter and lifting all unexpired deadlines in the Court's Final Scheduling Order. (ECF No. 38).

In January 2018, a jury trial was held in the parallel criminal case and a jury found Defendant Benjamin W. Ledwell guilty on four counts of negligent homicide. The state court entered a judgment on February 22, 2018, and entered an amended judgment on March 19, 2018. On April 16, 2018, Defendant Ledwell filed a timely notice of appeal to the Arkansas Court of Appeals.

On April 17, 2018, the Court contacted the parties to this matter and directed them to file a status report indicating how they plan to proceed in this case. On May 3, 2018, counsel for Defendant Ledwell emailed a status report to the Court. On May 10, 2018, counsel for Plaintiffs and Defendant Ledwell & Son Enterprises, Inc. filed separate status reports on the docket. (ECF Nos. 41, 42). Defendants request that the Court maintain the stay of discovery until the ultimate resolution of the parallel criminal case. Plaintiffs argue that the Court should lift the stay because

the applicable statute of limitations expires later this month and accordingly, they have been and will be prejudiced by the inability to conduct discovery and determine whether any additional defendants should be added in this matter.

Upon consideration, the Court finds that the current stay of discovery should remain as imposed. Although Plaintiffs correctly note that the applicable Arkansas statute of limitations runs later this month, they also correctly note that they can file an amended complaint in this matter, adding John Doe Defendants to include any other parties that discovery might reasonably uncover. Accordingly, the Court finds that the prejudice to Defendant Ledwell caused by lifting the stay outweighs the prejudice to Plaintiffs caused by a continuing stay of discovery.

For the reasons discussed above, the Court hereby orders that discovery in this matter shall remain stayed pending the resolution of the parallel criminal case, *State v. Ledwell*, Hot Spring County Circuit Court No. 30CR-16-124.

IT IS SO ORDERED, this 11th day of May, 2018.

/s/ Susan O. Hickey
Susan O. Hickey
United States District Judge